

REMARKS/ARGUMENTS

Applicant thanks the Examiner for his careful review of this application. Claims 21-24 and 39 have been rejected. Claim 39 and withdrawn claims 25-38 have been canceled. Claims 21-24 have been amended. Applicant respectfully requests reconsideration of the application in view of the above amendments and the following remarks submitted in support thereof.

Specification Objection

The Examiner has objected to the specification because the specification fails to provide proper antecedent basis for the claimed subject matter. As suggested during an interview with the Examiner on September 6, 2005, the Applicant has amended the specification to provide antecedent basis for the claimed “first isolated switching power converter” and “second isolated switching power converter.” The isolated switching power converters are functionally described in the figures and accordingly, the amendment to the specification does not add new matter. As a result, the Applicant respectfully requests the Examiner to withdraw the specification objection.

Double Patenting Rejection

The Examiner has rejected claims 21-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-20 of U.S. Patent No. 6,496,059 in view of U.S. Patent No. 6,762,645 and U.S. Patent No. 6,072,362. The Applicant is filing a terminal disclaimer in compliance with 37 CFR 1.321(c) with this amendment to overcome the double patenting rejection. Accordingly, the Applicant respectfully requests the Examiner to withdraw the double patenting rejection.

Anticipation Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 21-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,762,645 to Grant. For the reasons set forth below, Applicant respectfully asserts that Grant fails to identically disclose each and every feature specified in amended independent claim 21.

Independent claim 21 defines a high efficiency switching amplifier. As noted by the Applicant during an interview with the Examiner on September 6, 2005, although the Applicant believes that the original pending claim defines over the art of record, the Applicant has amended independent claim 21 to further clarify that the first and second switching power converters are isolated. Furthermore, independent claim 21 defines switches of the first isolated switching power converter providing a return path for the second isolated switching power converter's current to and from the loudspeaker when the second isolated switching power converter is active. Conversely, switches of the second isolated switching power converter provide a return path for the first isolated switching power converter's current to and from the loudspeaker when the first isolated switching power converter is active.

In support of the 35 U.S.C. §102(e) rejection, the Examiner notes that Grant discloses the provision of the return path, as defined in amended independent claim 21. Applicant respectfully traverses the Examiner's characterization of Grant relative to amended independent claim 21 because Grant does not disclose the provision of a return path. In particular, Grant merely discloses a typical class D amplifier "configured to have a 'H' bridge output stage" (col. 1, lines 33-34). The switches in a simple H bridge do not provide a return

path for a current to and from the loudspeaker when either the first isolated switching power converter or the second isolated switching power converter is active. Furthermore, the simple H bridge disclosed in Grant does not provide two switching power converters that are isolated, as defined in amended independent claim 21. Since Grant merely discloses a typical class D amplifier, Grant cannot reasonably be considered to disclose to one having ordinary skill in the art the provision of the return path and isolated switching power converters, as defined in amended independent claim 21.

As Grant fails to teach each and every element of the claimed invention, the Applicant respectfully submits that amended independent claim 21 is patentable under 35 U.S.C. § 102(e) over Grant. Further, dependent claims 22-23, each of which directly depends from amended independent claim 21 are submitted to be patentable under 35 U.S.C. § 102(e) over Grant for the reasons set forth above. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejections for claims 21-23.

Obviousness Rejections under 35 U.S.C. §103(a)

Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejections of dependent claims 22-23 as being unpatentable over U.S. Patent No. 6,388,514 to King et al. in view of Grant and U.S. Patent No. 6,072,362 to Lincoln, and rejection of dependent claim 24 as being unpatentable over King et al. in view of Grant, Lincoln, and U.S. Patent No. 4,959,764 to Bassett. As discussed above, Grant does not disclose each and every feature of amended independent claim 21. As such, Grant does not raise a *prima facie* case of obviousness against any of dependent claims 22-24. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §103(a) rejections for claims 22-24.

Conclusion

In view of the foregoing, the Applicant respectfully submits that all the pending claims 21-24 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is requested to contact the undersigned at (650) 320-8094.

Respectfully submitted,
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